

Remarks

The present application includes claims 1, 3-5, 8-9, and 11-25. Claims 1, 3-5, 8-9, and 11-25 have been rejected by the Examiner. By this Response, claims 1, 8, 9, 16-19, and 22 have been amended, and claim 6 has been canceled. New claims 27 and 28 have been added.

The Applicant thanks the Examiner for his time in discussing the pending claims and cited art of the present application with Applicant's representatives Christopher George and Carl Harrap on January 8, 2008. In view of that discussion, the Applicant presents these amendments and remarks to obtain allowance of the pending claims.

Claim Amendments

Claims 1, 9, 16-19, and 22 have been amended to recite that a composite symbol, as defined in the claim (including a transparent carrier portion), is flashed on and off. In addition, when the composite symbol is in the "off" condition, the composite symbol is effectively invisible to the player so that the background scene is visible at the location of the composite symbol.

Claim Rejections under 35 USC § 112

Claims 6 and 8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. By this response, claim 6 has been cancelled and claim 8 has been rewritten to depend from claim 1. Thus, the Applicant submits that the rejection has been overcome.

Claim Rejections under 35 USC § 103(a)

Claims 1, 3, 6, 8, 9, 12, 13 and 16-25 were rejected under 35 U.S.C. 103(a) as unpatentable over ALI (WO 99/64997) in view of Suzuki (U.S. Patent No. 6,213,875).

The Applicant respectfully traverses this rejection for at least the following reasons.

As discussed with the Examiner in the teleconference and explained in prior responses, the combination of Suzuki and ALI fails to disclose the presently claimed elements. By this response, claim 6 has been cancelled and claims 1, 9, 16-19 and 22 have been amended. Support for the amendment to these claims can be found, for example, on page 6, lines 33 to 36.

Each of the amended claims recites that a composite symbol as defined in the claim (including a transparent carrier portion) is flashed on and off. In addition, the amended claims include the feature that when the composite symbol is in the “off” condition, “it is effectively invisible to the player so that the background scene is visible at the location of the composite symbol.”

An example of a screen display showing composite symbols in the “off” condition is shown in Figure 4 of the present application. Six of the fifteen symbols flashed off and are effectively invisible to the player. The background scene (a castle) is visible in the location of those six “off” symbols. The symbol portions of the composite symbols that are not flashed off continue to obscure the background scene.

The screen display shown in Figure 4 of the present application results from the combination of:

1. Rendering the carrier portions of the composite symbols transparent; and
2. Flashing the composite symbol into an off condition.

If 2) was provided alone with an opaque carrier portion (for example, as referred to on page 1, line 32 to page 2, line 2 of the present application), then the symbol that was flashed off would merely reveal the carrier portion of the reel, and not the background scene. Revealing the background scene provides an opportunity to display a more attractive appearance on the game screen (as referred to, for example, on page 7, lines 28 to 32).

Neither ALI nor Suzuki describe providing a display screen that resembles the display screen shown in Figure 4 of the present application and as claimed in claims 1, 9, 16-19 and 22.

ALI describes reels with opaque carrier portions. To indicate a winning combination in ALI, a pay line (indicated 50 in Figure 3a) is shown across the reels. ALI does not describe revealing any background scene in the location where the symbols are displayed.

As noted by the Examiner, the ALI reference does not teach composite symbols overlying the background scene, and rendering the carrier portions transparent to view the background scene through the carrier portions, etc., wherein the winning combination includes at least one composite symbol having a carrier portion that has been rendered transparent. Suzuki also fails to disclose any sort of flashing symbol animation. Additionally, the Applicant submits that such a representation in the context of the

gaming systems and methods recited in the presently pending claims is neither inherent nor notoriously well known in the gaming arts.

Suzuki describes symbols that are displayed over a background scene (see Figures 24 and 25). These Figures do not show any carrier portion of any reels on which symbols are located. Suzuki also does not describe revealing any background scene in the location where the symbols are displayed.

In Suzuki, the background scene is not visible for the duration of the game and is not visible during the spinning of the reels, as recited in the claims of the present application. Rather, in Suzuki, the background with special symbols, as shown in Figures 24 and 25 is displayed only at a final, reached state to interest the player. See, e.g., col. 17, line 53 – col. 18, line 6.

The Applicant therefore respectfully submits that the present invention as recited in claims 1, 9, 16-19 and 22 is patentably distinct from the combination of ALI and Suzuki because a screen display as presently claimed is not an obvious result of the combination of the teachings of ALI and Suzuki.

In the present action, the Examiner asserts that ALI teaches creating a flashing symbol and causing the flashing symbol to be flashed on and off directly on top of the underlying part of the background scene. In support, the Examiner refers to page 2, line 25 and page 5, lines 26-28). However, page 2, line 25 refers to an animated line as taking the form of a lightning flash. Page 5, lines 26-28 also refers to the animated line, describing it as taking the form of a lightning bolt that may “spark” or “glow”.

The Applicant respectfully submits that ALI does not teach revealing any part of a background scene as defined in claims 1, 9, 16-19 and 22 through its sparking or glowing of the animated line. The only images that are displayed behind the animated line in ALI are those of the reel strips. Also, the Applicant submits that there is no disclosure in ALI or Suzuki suggesting that any “sparking” or “glowing” could be advantageously applied to any other part of the display screen. Furthermore, as previously discussed, even if the symbols in ALI were flashed off, this would result in the player only seeing the carrier portion of the reels rather than background scene.

Even if, for the sake of argument, the symbols shown in Suzuki were formed into reels as described in ALI (which the Applicant denies is an obvious step to take), there is still no reason why one of ordinary skill in the art would then flash those symbols on and off instead of or in addition to providing a “spark” or “glow” on a pay line.

The Applicant therefore submits that to the extent that ALI and Suzuki are relied on to find that claims 1, 9, 16-19 and 22 are obvious, then this finding relies heavily on hindsight. The finding involves selecting very particular portions of each disclosure, modifying them and combining them into a new combination that simply would not have been obvious to one of ordinary skill at the time of the present invention.

Additionally, the Applicant submits that claims 3, 8, 12, 13, 20, 21, and 23-26 are patentable at least for depending on one of claims 1, 9, 16-19 and 22.

Claims 4, 5, 11, 14 and 15 were rejected under 35 U.S.C. 103(a) as unpatentable over ALI in view of Suzuki and further in view of Buxton (U.S. Patent No. 6,118,427).

The Applicant traverses this rejection for at least the following reasons.

It is submitted that these claims are patentable at least for depending from independent claim 1 or claim 9. As discussed above, the combination of limitations recited in claims 1, 3-5, 8-9, and 11-25 is not disclosed by the combination of ALI and Suzuki. The graphical user interface of Buxton fails to disclose the limitations recited in the independent claims 1, and 9, let alone the additional limitations recited in their dependent claims 4, 5, 11, 14 and 15, for at least the same reasons discussed above. The graphical user interface of Buxton relates to a user merging images or layers of objects onto a graphical display. See, e.g., Abstract. Buxton fails to disclose flashing symbol animation and fails to teach or suggest other remaining limitations recited in claims 1 and 9, let alone dependent claims 4, 5, 11, 14, and 15.

Thus, the Applicant respectfully submits that claims 4, 5, 11, 14 and 15 should be allowable over the cited art of record.

New Claims

Additionally, new claim 27 recites an added feature that the background scene is viewable for the duration of the presentation of the spinning reels and after the reels are stopped. Support for the amendment can be found on page 6, lines 12 to 17, page 7, lines 15 to 21 and Figure 5, for example. Allowing the background scene to be viewable

during the presentation of the spinning reels and after the reels are stopped presents the background scene for a long duration, allowing the player to appreciate the background scene. As shown in the drawings of the present application, the background scene may be a complex and interesting scene enhancing player enjoyment and attractiveness of the game.

The images shown in Figures 24 and 25 of Suzuki are described at column 17, line 53 to column 18, line 28 as:

When a predetermined time passes after indication of the predictive images stops as above, at time t_7 of FIG. 14 the predictive images move to the left in the middle position as shown in FIG. 22, then the predictive images will disappear from the screen. Further, at time t_8 , the images of the upper and lower positions will move as shown in FIG. 23, and then the image will disappear, a demonstration is indicated on the screen and the varying special pattern will stop.

In this way, when the demonstration determination means 105 determines the demonstration after indication of the predictive images, the demonstration is indicated for example, as shown in Figure 24 or Figure 25.

Therefore, referring to the timeline shown in Figure 14, the “demonstration image” (the coral display) is only displayed after the “predictive images” (the left pointing arrows shown in Figures 22 and 23) have been displayed. The coral display shown in Figures 24 and 25 is therefore not displayed “for the duration of the video representation of the plurality of spinning reels and after the reels are shown as stopped to represent a said combination of composite symbols.”

New claim 28 specifies that the part of the background scene over which the flashing system combination is placed is a part of the background scene that has been

placed over the composite symbol. Support for this claim can be found on page 6, lines 28 to 31, for example. This is in contrast to claim 8 and the description on page 6, lines 24 to 28 and 32 to 36.

The examiner refers to ALI page 2, line 25 as teaching the creation of a representation of a flashing symbol. ALI refers to a “lightning flash.” The lighting flash is a description of the animated line shown in Figure 3a. ALI does not appear to describe the “lightning flash” as flashing on and off and does not appear to describe any particular method for generating the lighting flash.

The Applicant submits that no new matter has been added through these amendments. The Applicant respectfully submits that the pending claims of the present application should be allowable over the cited art of record.

CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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